

The defendant's motion under the United States Sentencing Guidelines Amendment 821 has already been considered and decided. See ECF No. 75. Therefore, this cumulative motion is denied. The issue of coordination with the state imprisonment is not an issue before this Court.

SO ORDERED.

Dated: 2/20/24  
New York, New York

/s/ Alvin K. Hellerstein

Alvin K. Hellerstein

United States District Judge

United States District Court

For the Southern District of

New York

United States of America

Case No. 20 cr 698 (AKH)

v.

Melvon Adams

Sentence Reduction Pursuant

To title 18 USC 3582(c) And 1B1.10

Comes Now the defendant Melvon Adams  
(Here in After) The defendant Moves This Court For  
A Sentence Reduction Pursuant To Title 18 USC  
3582(c), And 1B1.10. Based ON The 2024  
Amendments of The Federal Sentencing guidelines

Custody and Control Includes "Non Secure  
Custody," Custody with NO Significant Physical  
Restraint For example,

At A Community Corrections Center,  
Community treatment Center half way house  
Any Similar facility. United State v Morales 834  
F.2d 35 2nd Cir, See, The defendant is Considered  
In Custody. See Amendment (642)

The defendant Alleges that the government  
owes him 8 months towards his Sentence. A

Person IS In Custody Where "There IS A Formal Arrest or Restraint on Freedom of Movement of the degree Associated With Formal Arrest" See California v. Beheler 463 U.S. 1121, 1125, 77 Led 2d 1275 (1983). ALSO United States v. Cassel 452 F 2d 533 7<sup>th</sup> 1971 (Federal Prisoner In Prerelease, guidance Center In Custody); Blayden v. Hogan, 320 F. Supp. 513 579 (S.D.N.Y. 1970) (Prisoner At Manhattan House of Detention In Custody); United States v. Harrison 265 F. Supp. 660 662 (S.D.N.Y) 1967). Prisoner At Dannemora State Prison In Custody. In Addition the defendant Alleges that A "Prisoner IS In Custody only Where his or her Freedom Is Restricted" Above The Nominal Setting See Cervantes 589 F. 2d At 428, Also Conley 779 F. 2d 970, 973 This Court Purports to Articulate Objective Criteria for Assessing Restrictions Including the language used to Summon the Individual the Physical Surroundings of the Restriction. Such As his Liberty Move And Come And go as guaranteed by the U.S Constitution. And lets Not forget his Freedom of Action In A Significant way.

The defendant was Subjected to Custodial Restriction that Limited his movement. he further was Subjected to Punishment from Leaving Without Permission.

The defendant, State this For, the Court, on July 28<sup>th</sup> 2020 the defendant was Indicted by the Southern District of New York For A Violation of the Federal Statute. 18 USC 933(g). He appeared In of the U.S Magistrate and Plead Not guilty. This placed his case for trial. However he Subsequently Plead guilty In front of this Court to .57 months originally" (While Waiting for Sentencing he was on Pre trial Release For 32 months, and 8 months he did not Receive)".

The government Position is that the defendant's 8months Jail time Credit was Applied Towards his State Sentence, However there has been A miscalculation on the governments Part. In Fact "This Court Clarified that, the Jail Time Credit And detention will be Credited" Starting from July 28 2020 until Sentencing, which will be March 14, 2023.

The defendant was in custody for 32 months. However (8) months was not credited; where Based on the "New" Amendments, "[He's]" entitled to relief.

The defendant further ask this Court to take Judicial Notice under Fed.R.Evid.201 which permits a court to take judicial notice (of) facts where accuracy cannot reasonably be questioned "such as public records see ALS Puerto Rico v. Trujillo-Paniss 133 F.Supp.3.d. 409 2015.

[The defendant ask this Court to take notice of United States v. Melvon Adams 20 cr. 638 AKH. Sentencing that will without doubt can confirm the 8 months that is owed to the defendant]

Wherefore the defendant request that his motion be granted in this matter.

Dated this 7<sup>th</sup> day of February 2024

x Melvon Adams

Melvon Adams

Certificate of Service

I Herby Certify, that the Copy was  
Sent to the Clerk of the Court to Be  
Served on All Interested Parties In  
The Above Said Matter. Postage Pre Paid.

Dated This 7<sup>th</sup> day of February 2024

Melvon Adams

Melvon Adams

United States District Court  
For the Southern District  
of New York

United States of America

✓

Melvon Adams

Case No:

20 cr 628 (AKH)

Exhibit IN  
Support Thereof

The Above Named defendant Hereby  
Moves this Court to order The Said exhibits  
to be place in Evidence to wit.

A. The Judicial Transcripts of the  
defendants Sentencing Hearing And his  
Pre Trial Transcripts;

The Transcripts are Prima Facies  
Evidence in the Said Cause Wherefore  
the defendant asks the evidence be Submitted.

Dated this 2<sup>nd</sup> day of February 2024

Melvon Adams

Melvon Adams

(1)

N3EsADAs

1 Now, one was during being a youthful offender and the  
2 other one was prior to this case, but I think he is at a  
3 different place. He has been in jail now almost 36 months  
4 coming up this summer. June will be 36 months. And I don't  
5 have to tell the court, because the court is well aware, of  
6 the conditions that have existed during that 36-month  
7 incarceration.

8 THE COURT: How did you get 36?

9 MR. FASULO: Well, it's June of 2020, I believe, was  
10 the arrest date.

11 THE COURT: I have detention as July 28, 2020.

12 MR. FASULO: July 28. July 28, 2020, so this July 28  
13 will be 36 months.

14 THE COURT: All right. But as of the moment, he's  
15 about 32 months.

16 MR. FASULO: Right now, about 32 months. I was just  
17 saying that he was about 36, coming up in July. Yes, 32 months  
18 currently.

19 And during those 32 months he had COVID, he was  
20 isolated for a month of the jail. We all know the situation  
21 both at MDC, Essex County, during this particular time and the  
22 restrictions, and also the lack of ability to have visits from  
23 family members. And you can see there is, in court even today,  
24 his aunt right here, cousin, aunt who wrote a letter to you.  
25 She's here.

N3EsADAs

1 THE COURT: Yes, you wrote about that.

2 THE DEFENDANT: Yes.

3 THE COURT: All right. I'll take a short recess.

4 (Recess)

5 Mr. Adams, this is a very difficult balance I have to

6 make. What the government says in its papers is very serious.

7 What you say to me is very hopeful. I have to balance these

8 two things. You have committed a serious crime. You have had

9 a loaded gun or gun with ammunition nearby. One would think

10 you would have learned your lesson and put away guns. I have

11 to understand the concern about self-defense. But it's not

12 self-defense, but having the provision for self-defense. But

13 still, it's a crime, and it's a crime that is made more serious

14 by your record.

15 So I think your employment record indicates that you

16 can embark on a new path. You have a support system, and I

17 think you have the desire to change your life. Putting this

18 all together, I think a punishment of 57 months is an

19 appropriate punishment. It's the bottom of the guideline, and

20 it takes account, you'll have a credit for the period you've

21 already served in detention.

22 Where should he serve, Mr. Fasulo?

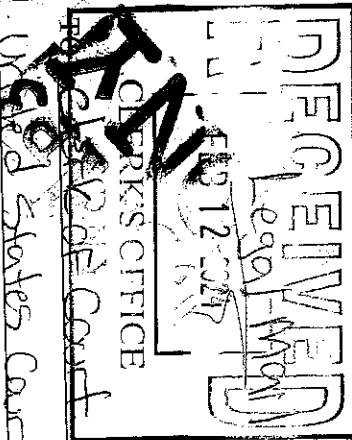
23 MR. FASULO: Closest to New York, Judge.

24 THE COURT: So recommended.

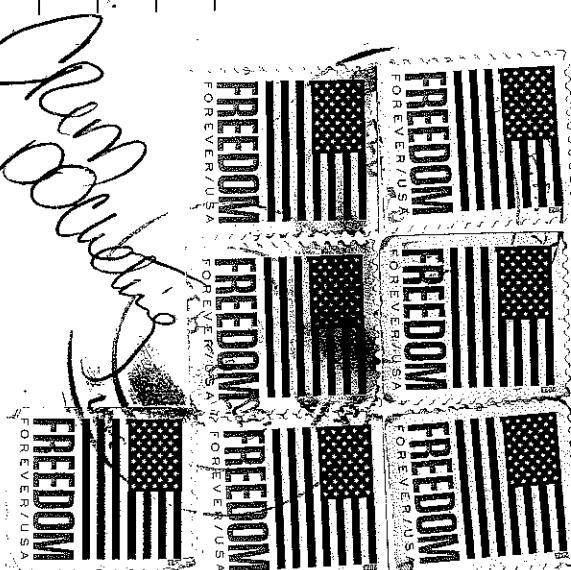
25 MR. FASULO: Actually, Judge, can I say closest to

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Federal Correctional Institution Schuylkill  
P.O. Box 759  
Minersville, PA 17954-0759

Mailed from  
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